

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

No. 13-CR-271-LTS

ALSHAQUEN NERO,

Defendant.

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ORDER

The Court has received Defendant Alshaquen Nero’s pro se letter dated November 9, 2020 (Docket Entry No. 1023), which requests that the Court address with the utmost urgency his motion for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(1)(A), in light of his “life threatening . . . ongoing stomach ailments.” On November 2, 2020, the Court denied Mr. Nero’s motion for a reduction in sentence, in part because it appeared from his medical records concerning his stomach condition—for which Mr. Nero was briefly hospitalized in July—that Mr. Nero recently reported that he was feeling “90% better,” that he had “recovered from his illness” from July, and that a consultation with a General Surgeon had been “ordered to determine [Mr. Nero’s] need for follow-up colonoscopy.” (Docket Entry No. 1007 at 4-5.) In Mr. Nero’s November 9, 2020, letter, he attaches a report from his cellmate, dated October 29, 2020, reporting that Mr. Nero still suffers from “stomach pains, throwing up,” and sometimes defecates blood, and that when Mr. Nero submits sick call slips to officials at his facility, it sometimes “takes week” before he can see a doctor. Mr. Nero also attaches a pathology report from his hospitalization in July, reflecting a diagnosis of “[f]ocal active colitis,” which was previously submitted to the Court by the Government in its opposition to Mr. Nero’s motion. (See Docket Entry No. 1003-2.)

The Court construes Mr. Nero's November 9, 2020, letter as a motion for reconsideration of the Court's November 2, 2020, order denying his motion for a reduction in sentence. The Government is directed to file a response to Mr. Nero's letter, which should include any more recent BOP medical records concerning Mr. Nero's stomach illness, his colitis diagnosis and treatment, and any follow-up procedures performed, by **December 3, 2020**. The Government may also include in its response any additional information from medical personnel concerning monitoring and care of Mr. Nero's condition as the Government believes would be helpful to the Court. A complete, unredacted courtesy copy of the Government's response must be provided to Mr. Nero and emailed to Chambers via SwainNYSDCorresp@nysd.uscourts.gov.

As Mr. Nero's letter attaches sensitive medical records, and the addresses and phone numbers of non-parties, the Court will direct the Clerk of Court to file it under seal, and will file a redacted version of the letter publicly on the docket. An unredacted copy of the letter will be provided to the Government. The Government may file under seal any medical records that are included in its response, and sensitive medical information may be redacted from the response that is filed on ECF. The unredacted originals must be filed with the Clerk's Office with a copy of this Order. Chambers will mail a copy of this order to Mr. Nero.

The Clerk of Court is respectfully directed to place Docket Entry No. 1023 under seal.

SO ORDERED.

Dated: New York, New York
November 19, 2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

Copy mailed to:

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